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REMARKS

Responsive to the Office Action mailed May 1, 2006, Applicants provide the following. The claims have not been amended, and therefore, eighteen (18) claims remain pending in the application: Claims 1-18. Reconsideration of claims 1-18 in view of the remarks below is respectfully requested.

Initially, Applicants acknowledge with appreciation the Examiner's willingness to take part in the telephonic interview on July 24, 2006.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Summary of Applicant Initiated Examiner Interview

1.   Per 37 CFR § 133(b), the following is a brief summary of the Examiner interview conducted July 24, 2006 via telephone between Steven M. Freeland, Attorney of Record, and Examiner Bashore. Claim 1 was discussed in view of cited U.S. Patent Nos. 6,161,132 (Roberts et al.) and 6,108,687 (Craig) regarding the claim limitations, including "determining whether each request is received during a predefined threshold period prior to a start time of initially beginning the simultaneous playback of the event". Applicants' representative demonstrated that both the Roberts and Craig patents failed to teach at least making a determination whether requests are received relative to the recited threshold period, and in response to that determination taking appropriate action as further recited in claim 1. Instead, both the Roberts and Craig patents only recite receiving requests and connecting users in response to receiving the request. There is no discussion or suggestion about making any determination relative to the defined threshold period prior to a start time of initially beginning a simultaneous playback of the event.

The Roberts and Craig patents fail to suggest making any type of determination with respect to whether requests are received during a threshold period prior to a start time of

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initially beginning a simultaneous event as claimed. It was shown that Roberts instead teaches away from such a configuration because Roberts requires a chat room to be started upon receipt of a first request, and thus, there is no reason to determine whether a request is received during a threshold period prior to beginning the start of a simultaneous event.

Applicants' representative further demonstrated that one skilled in the art would not combine Craig with Roberts as suggested in the rejection of May 1, 2006 in that the Roberts patent specifically describes activating a chat room upon receipt of a first request and further teaches away from queuing requests. Further, Roberts describes the use of a chat room, and by the nature of a chat room, one skilled in the art would not queue requests relative to a chat room because the chat room is intended to be active to allow others to join and interactively communicate. It is an object of the Roberts patent to provide a system that allows "entertainment to be meaningfully interactive for the consumer..." (Roberts, col. 1, lines 63-64), and thus, further teaches away from queuing requests.

Examiner Bashore stated he would take the arguments into consideration and requested the arguments be presented in writing. No agreements were reached and no exhibits were presented.

Information Disclosure Statements

2.   Applicants thank the Examiner for considering the references identified in the information disclosure statement (IDS) filed on February 2, 2006. It is noted that additional IDSs were filed on October 20, 2005, November 16, 2005, and November 30, 2005 with appropriate fees. Applicants respectfully request that the references identified in these three references be considered, and that the Examiner returned initialed and signed forms confirming consideration of the above identified IDSs.

Claim Rejections - 35 U.S.C. § 103

3.   Claims 1-18 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,161,132 (Roberts et al.) in view of U.S. Patent No.

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6,108,687 (Craig). Applicants respectfully traverse these rejections, because the combination of applied references fails to teach or suggest each element of at least independent claims 1, 7 and 13. More specifically, claim 1 for example recites at least in part:

> determining whether each request is received during a predefined threshold period prior to a start time of initially beginning the simultaneous playback of the event; and
> sending the command to the corresponding client apparatus for initially beginning the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period, and sending the command to the corresponding client apparatus for beginning the simultaneous playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period.

Applicants respectfully submit that neither the Roberts nor Craig patents teach or suggest making a determination regarding whether requests are received during a threshold period. Instead, both Roberts and Craig describe connecting users to the chat room or presentation in response to receiving requests, but neither describes determining whether requests are received relative to a threshold period.

More specifically, the Roberts patent describes receiving requests and activating a chat room upon receipt of a first request associated with a CD or joining requests to an active chat room. The Roberts patent fails to suggest making a determination of when the requests are received relative to some time period or threshold. Specifically, Roberts states that "[i]f a chat room focused on the CD exists or can be created, the server responds with the name of the chat room , and the browser starts up a chat client on the user's computer as a client of that chat room" (Roberts, col. 7, lines 26-30). Therefore, the Roberts patent does not make any determination of when the request is received relative to a threshold period prior to the start time of the chat room.

The only determination Roberts makes upon receipt of a request to join a chat room is a determination of whether the chat room is active or can be created. There is no suggestion of determining whether the request is received within a threshold period.

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Further, Roberts teaches away from making any determination relative to a threshold of a start time because a first request immediately activates a chat room and no consideration is made relative to a start time, and all subsequent requests are immediately joined with the chat room regardless of when the chat is activated (see for example, Roberts, col. 7, lines 26-30). Therefore, the Roberts patent does not teach or suggest making any determination of when requests are received relative to a start time.

Similarly, the Craig patent also fails to teach or suggest making a determination of when the requests are received relative to the beginning of a lecture. Instead, the Craig patent requires that the presentation be initiated before users can access the presentation, and once users are connected they receive the lecture and appropriate commands regardless of when they access the lecture. There is no suggestion or teaching in Craig to make a determination of when requests are received relative to a threshold prior to the start time or relative to the beginning of the lecture.

Similar to the Roberts patent, the only determination made according to Craig is whether a presentation is active. Specifically, the Craig patent describes denying a student a connection to a lecture when a presentation has not been initiated, or connecting the user to the presentation when initiated (for example, see Craig, col. 11 line 59 through col. 12, line 6). The Craig patent fails to teach or suggest making any determination of when requests are received relative to a predefined threshold period prior to a start time. Instead, the Craig patent specifically teaches away from making such a determination in that the system of Craig either denies a connection and "closes the socket" (col. 11, line 67) or allows a user to connect to the presentation, and does not care when a student is connected. Once a presentation is initiated students can connect to the presentation and the lecture is appropriately distributed regardless of when connected. Therefore, the combination of Roberts and Craig fails to teach each limitation as recited in claim 1, and thus, claim 1 is not obvious over the combination of references.

The Craig patent does describe allowing students to access the lecture/presentation "some time in advance" of the professor beginning to speak (col. 12, lines 11-12). However, the Craig patent does not teach or suggest making a determination of whether

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the request is received prior to a start time or within a threshold period of the start time. Once a student is connected to a presentation, regardless of whether the student logs on prior to or during the lecture, the system appropriately distributes the lecture and/or slide selections from the professor. The presentation must be active for users to connect and once connected will receive the lecture and/or slide selections. If the presentation is not active, the students are unable to connect and a "connection is refused by the host" (Craig, col. 11, lines 60-61, see also col. 11, line 64 through col. 12, line 2). Therefore, the Craig patent also does not teach or suggest and instead teaches away from making any determination relative to a threshold period prior to the start time.

Even if one assumes, arguendo, that Craig describes a threshold period prior to a start time, the Craig patent fails to make any determination relative to this threshold period and how users are to be connected. Claim 1 not only recites that a determination is made for each user relative to the recited threshold period, but also that appropriate action be taken according to such a determination. Specifically, claim 1 provides that commands are sent to those client apparatuses "for initially beginning the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period" and continues to recite that for those requests from client apparatuses that are not received during the threshold period that commands are sent "for beginning the simultaneous playback of the event simultaneously at a predetermined point during the playback." Neither the Roberts patent nor the Craig patent teaches or suggests making such a determination, and further neither teaches or suggests sending different commands in response to the determination.

Further, there is no motivation to incorporate any type of determination in that the Craig patent is attempting to allow users to access lectures does not care when students join the lecture. Therefore, it is irrelevant when students are connected because once connected the lecture is distributed the same to the students connected.

Therefore, the combination of Roberts and Craig fails to teach or suggest at least "determining whether each request is received during a predefined threshold period prior to a

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start time of initially beginning the simultaneous playback of the event" as recited in claim 1, or
taking appropriate action in response to the determination made. The combination of applied
references fails to teach each limitation as recited in claim 1, and thus, a *prima facie* case of
obviousness has not been established.

Further, the office action combines the Craig patent with the Roberts patent in an
attempt to show that the combination would describe a threshold as recited in claim 1.
Applicants respectfully submit, however, that the combination fails to teach the threshold as
recited in at least claim 1 and further that one skilled in the art would not be motivated to
combine the references as suggested.

The office action at page 5 states that "Roberts does not specifically teach that
received requests during its threshold period occur prior to '*a start time of initially beginning*' the
playback", and relies on the Craig patent citing column 12, lines 7-21. The period relied on in
the office action, however, allows users to connect to the event or presentation prior the lecture
beginning. This would go directly against the teachings of the Roberts patent in that Roberts
specifically describes that a chat room (i.e., the event) is initially activated upon a first user's
request to join a chat room. The Roberts patent does not teach or suggest queuing up requests
and instead specifically teaches away such queuing. Further, the office action on page 8, line 1
suggests that "Roberts can ultimately begin a chat room with a plurality of devices queued up and
waiting." As demonstrated above, however, the Roberts patent specifically teaches away from
queuing up users because upon receipt of a first request a chat room is immediately started and
other requests are allowed to join. For example, Roberts states "[i]f a chat room focused on the
CD exists or can be crated, the server responds with the name of the chat room, and the browser
starts up a chat client ... as a client of that chat room" (Roberts, col. 7, lines 26-30). Therefore,
the Roberts patent describes starting a chat upon receipt of a first request and not queuing
requests, and thus, there is no motivation to incorporate the period defined in Craig into the
Roberts patent.

Further, the office action maintained the assertion that Roberts teaches a
predefined threshold period "as the time during the active participation of said chat room (the

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time duration of the chat room)" or a predefined threshold period "as the time between initial communication of said identifier, and the ultimate start point of the simultaneous playback of an event (the chat room)" (office action, page 4). However, both of these periods cannot be equated to the threshold period as recited at least in claim 1. For example, claim 1 does not simply recite a threshold period, but instead recites "a predefined threshold period prior to a start time of initially beginning the simultaneous playback." A "time during the active participation of said chat room" therefore, cannot be equated to the recited threshold period prior to a start time of an initial beginning of the playback because this period stated in the office action is after the start time of the playback.

Additionally, the office action attempts to equate a response time between an "initial communication of a CDs identifier, to the ultimate starting point of a chat room" to the claimed "predefined threshold period" (office action, page 4). However, this communication response time cannot be defined as a predefined threshold period because it is simply a response time. Further, this response time is not a "predefined" period, but instead varies with every user depending on the connection of the users computer, internet traffic, website traffic, chat room traffic and other effects, and thus, is not a "predefined" period but completely varying based on response times and network traffic. Still further, there would be no motivation to make any determination of whether this request is received during this period because the request has already been received and the connection is being made. Therefore, this period cannot be equated to the "predefined threshold period" as recited in claim 1.

Moreover, each user of Roberts will have a different and unique period of time between "initial communication... to ultimate start point" and each different period following the first request are after the start time of the chat room simultaneous playback. Therefore, Roberts specifically teaches away from multiple requests being received during a single "predefined threshold period" that is prior to a start time to initially begin simultaneous playback as claimed. Further, the time between the "initial communication ... to ultimate start point" of a single user connecting to an already active chat room cannot be equated to the receiving requests prior to the start time for initially beginning simultaneous playback of the event, or determining whether each

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request is received during the predefined threshold period prior to the simultaneous playback of the event as claimed. Therefore, the Roberts patent fails to teach or suggest each limitation as recited at least in claim 1, and thus, claim 1 is not obvious in view of the Roberts patent.

Still further, if one defines arguendo that the predefined threshold period can be equated to the time between the "initial communication ... to ultimate start point", then the Roberts patent cannot teach or suggest "sending the command to the corresponding client apparatus for beginning the simultaneous playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period" as recited in claim 1, because each inquiry from a user to join the chat room of Roberts has to include the time between an "initial communication ... to ultimate start point" for that user. Thus, there would be no requests that were not received during a threshold period and therefore, there would be no reason to determine whether requests are received during the threshold period, and if Roberts is read this way does not teach "sending the command to the corresponding client apparatus ... for those requests not received during the threshold period" because all requests would be received during the "threshold period" of "initial communication" ... to ultimate start point". Therefore, the Roberts patent does not teach each limitation of at least claim 1, and instead teaches away from the method of claim 1.

Additionally, because the chat room is activated at a first request, Roberts teaches away from sending commands to a plurality of client apparatuses to "initially [begin] the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period" as recited in claim 1. Instead, the Roberts patent only initially starts the chat room for a first requesting client device, and all other requesting client devices join during the chat room session. Therefore, the Roberts patent also fails to teach at least the "sending [of] the command to the corresponding client apparatus for initially beginning the playback of the event at the start time simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period" as recited in claim 1, and thus, claim 1 is not obvious in view of the Roberts patent.

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Independent claims 7 and 13 include language that is similar to claim 1. As such, the arguments presented above with respect to claim 1 can similarly be applied to claims 7 and 13. Therefore, claims 7 and 13 are also not obvious over the combination of Roberts in view of Craig.
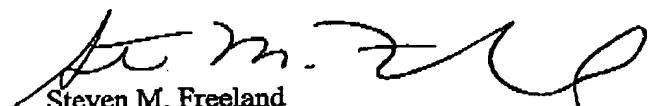
Further, claims 2-6, 8-12 and 14-18 depend from independent claims 1, 7 and 13 respectively. Therefore, claims 2-6, 8-12 and 14-18 are also not obvious for at least their dependency on claims 1, 7 and 13.

CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

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Respectfully submitted,

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